

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN DOE and JANE DOE, Individually and  
on behalf of M.S., an Infant, as Next Friends,

Plaintiffs,

- against -

NOTICE OF MOTION  
TO DISMISS

14-CV- 2953 (PAE) (JLC)

ANTHONY ANNUCCI, Acting Commissioner of the  
New York State Department of Corrections and  
Community Supervision; TINA STANFORD,  
Chairwoman of the New York State Board of Parole;  
WILLIAM HOGAN, Regional Director of New York  
State Department of Corrections and Community  
Supervision; JOSEPH LIMA, Bureau Chief of the  
Manhattan VI Area Office of the New York State  
Division of Parole; TERRENCE X. TRACY, Counsel  
for the Board of Parole; Parole Officer EMILY SCOTT;  
Parole Officer SIMON VALERIO; Parole Officer  
REBECCA RODRIGUEZ; Parole Officer RENNIE  
RODRIGUEZ; Senior Parole Officer FNU ROSADO; and  
Parole Officer FNU MERCEDES,

Defendants.

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PLEASE TAKE NOTICE that upon the accompanying Affirmation of Jeffrey P. Mans, dated July 30, 2014, Memorandum of Law of defendants Joseph Lima, Mercedes, Rebecca Rodriguez, Rennie Rodriguez and Simon Valerio in Support, and upon all of the pleadings and prior proceedings had herein, said defendants will move this Court pursuant to FRCP Rule 12(b) at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, NY 10007-1312, on August 28, 2014, or at such time as the Court may direct, for an Order: granting defendants' motion to dismiss regarding plaintiffs' claims against them for failure to state a cause of action under FRCP Rule 12(b)(6); granting defendants' motion to dismiss regarding plaintiffs' claims against them for lack of subject matter jurisdiction under FRCP Rule 12(b)(1); and, for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1(b), any opposing affidavits and answering memoranda shall be served within fourteen (14) days after the service of the motion papers and any reply affidavits and memoranda of law shall be served within seven (7) days after service of the answering papers.

Dated: Albany, New York  
July 30, 2014

SHEEHAN GREENE  
GOLDERMAN & JACQUES LLP

By: /s/ Jeffrey P. Mans

Jeffrey P. Mans, of Counsel (BN JM0212)  
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cc: All Counsel of Record *via* ECF